ICT OFFICE: UMBER:	CESWG-PE-RC I-4822		
ate: Texas cunty: Brazoria nter coordinates of si proximate size of are me of nearest waterw	te (latitude/longitude a (parcel) reviewed,	e): includir	29° 15' 22"N, 95° 42' 03"W ag uplands:20 acres.
mpleted: Desktop	determination		Date: Date(s):15 April 2004 and 13 August 2004
risdictional Determi	nation (JD):		
United States" and/	or "navigable waters	ormation of the U	n, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Approved JD – An Check all that apply	approved JD is an apy:	ppealabl	e action (Reference 33 CFR part 331).
There are "navi the reviewed area.	gable waters of the U Approximate size of	Jnited St jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
There are "water reviewed area. App	ers of the United State proximate size of juri	es" (as of states)	defined by 33 CFR part 328 and associated guidance) within the al area:0.3 acre
	Decision supported	<i>intra-sta</i> by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
Waters defined under The presence of wat	der 33 CFR part 32 ers that are subject to	9 as "na the ebb	and flow of the tide and/or are presently used, or have been used in
(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of which (ii) which are or (iii) from which (iii) which are of (4) Impoundments of (5) The presence of (6) The presence of	waters, which are cu commerce, including interstate waters included other waters such as sloughs, prairie poth a could affect interstate could be used by interstate or shellfish are for could be used for information waters otherwise data a tributary to a water territorial seas.	rrently ug all wat luding in intrastationes, we atte commerstate coor could ndustria efined as identifi	ased, or were used in the past, or may be susceptible to use in the sers which are subject to the ebb and flow of the tide. Interstate wetlands are lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or there including any such waters (check all that apply): for foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. It purposes that use in the state commerce in the use in the state commerce. It purposes by industries in interstate commerce. It purposes by industries in interstate commerce.
	CCT LOCATION IN tate: Texas sunty: Brazoria nter coordinates of sign of nearest waterwine of nearest waterwine of watershed: DICTIONAL DETE impleted: Desktop Site visit risdictional Determinary JD - B. United States" and/ (Reference 33 CFR Approved JD - An Check all that apply There are "navithe reviewed area. There are "water reviewed area. Apply There are "isolated States" and/ (In the presence of water state or foreign (2) The presence of sandflats, wetlands, destruction of which (i) which are of (4) Impoundments of (5) The presence of (6) The presence of (7) The presence of (6) The presence of (7) The presence of	CCT LOCATION INFORMATION: ate: Texas bunty: Brazoria nter coordinates of site (latitude/longitude) proximate size of area (parcel) reviewed, me of nearest waterway: Varner Creek me of watershed: Varner Creek DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Preliminary JD - Based on available inf United States" and/or "navigable waters (Reference 33 CFR part 331). Approved JD - An approved JD is approv	CCT LOCATION INFORMATION: ate: Texas county: Brazoria anter coordinates of site (latitude/longitude): approximate size of area (parcel) reviewed, includir ame of nearest waterway: Varner Creek ame of watershed: Varner Creek ame of watershed: Varner Creek DICTIONAL DETERMINATION ampleted: Desktop determination Site visit(s) Preliminary JD - Based on available information United States" and/or "navigable waters of the United States" (as a reviewed area. Approximate size of jurisdiction There are "waters of the United States" (as a reviewed area. Approximate size of jurisdiction There are "isolated, non-navigable, intra-sted Decision supported by SWA Jurisdiction. DETURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transpo Waters defined under 33 CFR part 328.3(a) as (1) The presence of waters, which are currently uniterstate or foreign commerce, including all wat (2) The presence of interstate waters including in (3) The presence of other waters such as intrastat sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (i) which are or could be used by interstate comm (ii) which are or could be used by interstate (5) The presence of a tributary to a water identification.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). I noted that a meandering drainage feature was present within Mr. Watley's property. I determined that this drainage feature is the upper reaches of a tributary to Varner Creek. Varner Creek flows into the Brazos River, a navigable water of the United States. The drainage feature has an ordinary high water mark but is not navigable. Therefore, the drainage feature is a tributary and is subject to Section 404 of the Clean Water Act.

FILE NUMBER: I-4822

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Damon U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrang

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^{2}}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: I-4825

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Waller Center coordinates of site (latitude/longitude):

29° 49' 46"N, 96° 02' 19"W

Approximate size of area (parcel) reviewed, including uplands: NA acres.

Name of nearest waterway: Tributary to Irons Creek

Brazos River

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 4 April 2004 Date(s): 4 April 2004

Jurisdictional Determination (JD):

M	Preliminary JD - Based on available information, \boxtimes there appear to be (or) \square there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

Ш	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
П	(2) The presence of interstate waters including interstate wetlands ¹

vaters including interstate wetlands'.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site appears to contain a non-navigable tributary to Irons Creek. The desk review indicated that the tributary connects to Irons Creek, which flows to the Brazos River, a navigable water of the United States.

FILE NUMBER: I-4825 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale; Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: San Felipe - 1960- Photorevised 1980 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 4806400115B - December 18, 1986 100-year Floodplain Elevation is: NA (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Photograph: San Felipe Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: 4 April 2004

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG FILE NUMBER: I-4942

P	ROJ	JECT LOCATION INFORMATION:	
		State: Texas County: Fort Bend	
	Aı	enter coordinates of site (latitude/longitude): 29 38' 21" N, 95 55' 48" W (NAD 27) approximate size of area (parcel) reviewed, including uplands: 2.0 acres.	
	Na	Jame of nearest waterway: Brazos River	
	Na	lame of watershed: Lower Brazos	
JI.	IRIS	SDICTIONAL DETERMINATION	
	Co	ompleted: Desktop determination Date:	
		2004	
	Ju	urisdictional Determination (JD):	
		Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appeal a (Reference 33 CFR part 331).	the ible
	×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with reviewed area. Approximate size of jurisdictional area:	ithin
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.	f No
BA	SIS C	OF JURISDICTIONAL DETERMINATION:	
	Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":	
		The presence of waters that are subject to the ebb and flow of the tide and/or are presently used.	
		the past, or may be susceptible for use to transport interstate or foreign commerce.	in
	В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":	
		(1) The presence of waters, which are currently used or were used in the past or may be expected.	
		mediate of foreign confinerce, including all waters which are subject to the abb and flow of the side	
	H	(2) The presence of interstate waters inclining interstate wetlands.	
	ш	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands sloughs prairie notheles wet most such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,	
		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):	
		(1) which are or could be used by interstate or foreign travelers for recreational or other numbers.	
		(1) Holli which lish of shelllish are or could be taken and sold in interstate or foreign commerce	
	-	(iii) which are of could be used for industrial purposes by industries in interstate commerce	
	H	(4) Impoundments of waters otherwise defined as waters of the US	
	H	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. 	
	d	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlan	
			ds.
	Ratio	ionale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the invited is the	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

FILE NUMBER: I-4942

L:	Action of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Oil or scum line along shore objects fine shell or debris deposits (foreshore) Changes in the character of soil Ophysical markings/characteristics Description Des
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1971 Fulshear U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Seological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1960 Fort Bend County National wetlands inventory maps: 1999 Fulshear State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Fort Bend County, Panel 75, 03 January 1997 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Fulshear Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 19 August 2004 Applicable/supporting case law:
\boxtimes	Other information (please specify): SWG Files D-13394, D-13394/01, D-11075, D-11075/01

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

CESWG-PE-RC **DISTRICT OFFICE:** FILE NUMBER: D-13328/(03) PROJECT LOCATION INFORMATION: State: Texas Matagorda County: Center coordinates of site (latitude/longitude): 28° 36' 08"N, 95° 58' 26"W Approximate size of area (parcel) reviewed, including uplands: ___70___ acres. Name of nearest waterway: Colorado River and East Matagorda Bay Name of watershed: Colorado River JURISDICTIONAL DETERMINATION Date: 18 December 2003 Completed: Desktop determination Site visit(s) Date(s): 13 November 2003, 19 December 2003 Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Machine There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 47.80 acres There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The wetland delineation identified within the project limits of the beach access road 1.72-acre of adjacent wetlands and 46.08 acres of adjacent wetlands within the project area west of FM 2031 and east of the Colorado River. The wetlands within the limits of the beach access road, except for the dune swale wetland, are adjacent because they are in close proximity to a water of the United States (East Matagorda Bay) and/or they are contiguous with East Matagorda Bay, a navigable water of the United States subject to the ebb and flow of the daily tide. The dune swale wetland is adjacent because it is in close proximity to a water of the United States (Gulf of Mexico). The wetlands within the limits of the project area west of FM 2031 and east of the Colorado River are not subject to the ebb and flow of the daily tide; however, they are adjacent because they are in close proximity to a water of the United States (Colorado River) and/or they are contiguous with the Colorado River, a navigable water of the United States subject to the ebb and flow of the daily tide. In addition, the wetlands within both project areas meet the three criteria of a wetland (hydrophytic vegetation, hydric soils, and hydrology) as outlined in the 1987 Corps of Engineers Wetland Delineation Manual; however, the wetlands are not influenced by the daily tide. Therefore, these wetlands are adjacent and subject to Corps of Engineers (Corps) jurisdiction under Section 404 of the Clean Water Act (Section 404). Section 404 regulates the discharge of dredged or fill material into waters of the United States, including adjacent wetlands.

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank line shell or debris deposits (foreshore) line shell or debris destruction of terrestrial vegetation line shelving line shell or debris line shell or debris line shell or debris line shell or debris deposits (foreshore) line shell or debris debris debris debris debris debri
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: LCRA / John D. Mercer & Associate Inc.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the data forms, dated 11 August 2004, prepared by (company): LCRA; And Surveys dated 12 July 2004 and 31 July 2004. ☐ This office does not concur with the delineation report, dated

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** D-13394/01

PRO	State Cour Cent App Nam	e: nty: ter coordii roximate:	Texas Fort Benderates of site of areast waterwards	e (latitude/lo	ngitude): iewed, includir iver	29 38' 21" N, 95 55' 48" W (NAD 27) ag uplands: 11.8 acres.
JUR				RMINATIO determination (s)		Date: Date(s): 19 August 2004
	Juri	sdictiona	l Determi	nation (JD):		
		Prelimina United St	arv JD - Ba	ased on avail or "navigable	able information waters of the	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	\boxtimes		d JD – An l that apply		is an appealab	le action (Reference 33 CFR part 331).
		There	e are "navi wed area.	gable waters Approximate	of the United S size of jurisdi	States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		There	e are "wate l area. App	ers of the Uni proximate siz	ted States" (as e of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
		There	e are "isolo	ated, non-nav Decision sup Jurisdiction.	pported by SW.	tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No
BAS	Α.	Waters of	defined un	der 33 CFR ters that are s	subject to the el	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in nort interstate or foreign commerce.
	В. П	(1) The printerstate	oresence of or foreign	waters, which commerce,	ch are currently including all w	as "waters of the United States": used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide.
		(3) The p	oresence of wetlands	f other waters	s such as intrast airie potholes, v	interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, vet meadows, playa lakes, or natural ponds, the use, degradation or inmerce including any such waters (check all that apply):
		☐ (i) v	vhich are of the control of the cont	r could be us h fish or shell	sed by interstate lfish are or cou	the conforming any such waters (check an that apply). cor foreign travelers for recreational or other purposes. Id be taken and sold in interstate or foreign commerce. ial purposes by industries in interstate commerce.
	Н	(4) Impo	undments	of waters oth	erwise defined	as waters of the US. Ified in (1) – (4) above.
	Ħ	(6) The r	resence of	f territorial se	eas.	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-13394/01 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1971 Fulshear U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1960 Fort Bend County National wetlands inventory maps: 1999 Fulshear State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Fort Bend County, Panel 75, 03 January 1997 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Fulshear Other photographs (Date): Advanced Identification Wetland maps:

Other information (please specify): SWG Files D-13394, D-11075 and D-11075/01

Site visit/determination conducted on: 19 August 2004

Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG FILE NUMBER: D-16321

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: No waters of the United States, including adjacent wetlands were observed within the stated project area.

2 FILE NUMBER: D-16321 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Christmas Point 1965 (photo-revised 1974) U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Brazoria County 1981 National wetlands inventory maps: Christmas Point 1998 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ (8265-53); January 2002 Digital Image from GLO

Other photographs (Date):

Applicable/supporting case law: Other information (please specify):

Advanced Identification Wetland maps:

Site visit/determination conducted on: 24 August 2004

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the ike are also adjacent.

DISTRICT OFFICE: SWG FILE NUMBER: D-16323

St Co Co A _I Na	ate: ounty: enter coord oproximate	Texas Brazoria inates of s size of are rest waterv	ite (latitude/long	itude): ved, includii	28 59' 47" N, 95 13' 53" W ng uplands: 0.14 acres.
			RMINATION determination (s)		Date: Date(s): 24 August 2004
Ju	risdictiona	al Determi	nation (JD):		
	Prelimin United S	ary JD - B states" and	ased on available	e informatio aters of the	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approve Check al	d JD – An I that appl	approved JD is a	an appealabl	le action (Reference 33 CFR part 331).
	There	e are "navi wed area.	gable waters of t Approximate siz	he United S e of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	☑ There reviewed	are "wate area. Ap	ers of the United proximate size of	States" (as jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
	There	are "isolo	nted, non-naviga Decision suppor Jurisdiction.	ble, intra-ste ted by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (Waters d	lefined un ence of wa	ers that are subje	t 329 as "nect to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (i) with the printerstate (ii) with the printerstate (4) Impour (5) The printerstate (6) The printerstate (7) The printerstate (8) The printerstate (9) The printerstate (9) The printerstate (9) The printerstate (10) The printerstate (11) The printerstate (12) The printerstate (13) The printerstate (14) The printerstate (15) The printerstate (16) The printerstate (17) The printerstate (18) The prin	resence of or foreign resence of resence of wetlands, on of which hich are of rom which which are of resence of	waters, which as commerce, includent interstate waters other waters such sloughs, prairie a could affect into could be used be fish or shellfish or could be used of waters otherwise a tributary to a vaterritorial seas.	re currently ading all ware including in has intrasta potholes, we erstate commy interstate or could for industriate defined a vater identification.	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It is lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. It waters of the US. It is waters of the US. It is waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland is located within the 100 year floodzone. Also, there are less than two barriers between the wetland and the Gulf of Mexico, a navigable water of the United States.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Oata sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: Christmas Point 1965 Photo-revised 1974 J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: JSDA Natural Resources Conservation Service Soil Survey: 1981 Brazoria County National wetlands inventory maps: 1998 Christmas Point State/Local wetland inventory maps: EMA/FIRM maps (Map Name & Date): Brazoria County, Panel 675, Revised 04 May 1992 00-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ 8265-53; January 2002 Other photographs (Date): Advanced Identification Wetland maps: itie visit/determination conducted on: 24 August 2004 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: SWG-PE-RC UMBER: D-15822/(01)
State Cou Cen App Nan	CT LOCATION INFORMATION: te: Texas the Texas
	PICTIONAL DETERMINATION Impleted: Desktop determination
Juri	isdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

2 FILE NUMBER: D-15822/(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG-PE-RC

FILE NUMBER: D-16001

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ıΝ	v	.I L	\mathbf{c}	_	\mathbf{v}	\boldsymbol{H}		u	<i>7</i> 1'	٧.	1117	٩r	•	ИΝ	NI.	"	м				

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

29.7576; 95.0908

Approximate size of area (parcel) reviewed, including uplands: unk acres. Name of nearest waterway: Buffalo Bayou Name of watershed: Buffalo Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 08/24/2004

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

M	Preliminary JD - Based on available information, \(\simeg \) there appear to be (or) \(\super \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:

There are "navigable waters of the United	States" (as defined by 33 CFR	part 329 and associated guidance) wi	thin
the reviewed area. Approximate size of jurisd		-	

There are '	"waters of the United States"	(as defined b	y 33 CFR part 3	328 and asse	ociated guidance)) within the
reviewed area.	 Approximate size of jurisdic 	ctional area:	•			

$There\ are$	"isolated, non-navigable, intra	a-state waters or wetlands'	within the reviewed	area.	
	Danisian summandad by C	WANGOOM! D! I	D 1 T C C1		-

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

R	Waters defined	l under 33 CFD	part 328 3(a) a	c "waters of the	United States".
D.	waters defined	i iinaer 33 t.e.k	Dari aza.ara as	s "waters of the	United States**

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
(2) The presence of interstate waters including interstate wetlands ¹ .
(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
destruction of which could affect interstate commerce including any such waters (check all that apply):

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16001

Late	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Highlands, January 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG-PE-RC

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F	IL	E	N	IJ	M	B	E	R	:	D)_	1	50	2	5		

St Co Co A _I Na Na	ECT LOCATION INFORMATION: tate: Texas ounty: Harris enter coordinates of site (latitude/longitude): 30.0367; 95.4455 pproximate size of area (parcel) reviewed, including uplands: UNK acres. ame of nearest waterway: UNK ame of watershed: UNK						
	DICTIONAL DETERMINATION completed: Desktop determination						
Ju	risdictional Determination (JD):						
Ø	Preliminary JD - Based on available information, there appear to be (or) _\infty there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealab (Reference 33 CFR part 331).	e le					
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.	No					
BASIS (OF JURISDICTIONAL DETERMINATION:						
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States".						
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.	1					
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":						
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.						
	(2) The presence of interstate waters including interstate wetlands ¹						
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflets						
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):						
	(1) which are or could be used by interstate or foreign travelers for recreational or other purposes						
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.						
	(4) Impoundments of waters otherwise defined as waters of the US.						
H	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. 						
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetland	s.					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 016026 **Lateral Extent of Jurisdiction:** (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16054

Stat Cou Cen App Nan	ounty: harris	29° 49' 41"N, 95° 04' 24"W uplands: 40 acres.
		Date: 30 August2004 Date(s):
Jur	risdictional Determination (JD):	
	Preliminary JD - Based on available information, United States" and/or "navigable waters of the Un (Reference 33 CFR part 331).	☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD – An approved JD is an appealable check all that apply:	action (Reference 33 CFR part 331).
	There are "navigable waters of the United Stather reviewed area. Approximate size of jurisdiction	tes" (as defined by 33 CFR part 329 and associated guidance) withir onal area: Unknown.
	There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional	efined by 33 CFR part 328 and associated guidance) within the l area: Unknown.
	There are "isolated, non-navigable, intra-state Decision supported by SWAN Jurisdiction.	e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of N
BASIS (OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "nav	vigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
构	(2) The presence of interstate waters including interstate wetlands ¹ .
#0 	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
turered	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
同	
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are neighboring the San Jacinto River

Later	FILE NUMBER: D-16054
© ([]	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil discrepance of litter and debris changes in the character of soil physical markings/characteristics
[[[changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other:
■ M	ean High Water Mark indicated by:] survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
© Ui □ He □ Th	by excavating and/or diking dry land to retain water for primarily aesthetic reasons
	Other (explain):
Dat Dat Dat Dat Cor U.S U.S U.S U.S Stat Stat Aeri Adv App	EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): os, plans, plots or plat submitted by or on behalf of the applicant. a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): a sheets prepared by the Corps. ps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Highlands Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: OA Natural Resources Conservation Service Soil Survey: onal wetlands inventory maps: ps'_Local wetland inventory maps: ps'_Local wetland inventory maps: (NGVD) al Photographs (Map Name & Date): Harris County Panel 730 of 1135, 6 November 1996 year Floodplain Elevation is: (NGVD) al Photographs (Name & Date): 1995 Highlands DOQQ pr photographs (Date): anced Identification Wetland maps: visit/determination conducted on: licable/supporting case law: pr information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: UMBER:	Galveston D-16349					
Stat Cou Cen App Nan	inty: Harris Conter coordinates of sit	ounty te (latitude/longitude) a (parcel) reviewed, i		30 04 10, uplands:			
	npleted: Desktop of Site visite	determination	⊠ ■	Date: Date(s):	9/1/04		
Jur	isdictional Determi	nation (JD):					
		or "navigable waters				here appear to be no "wate A preliminary JD is not a	
×	Approved JD – An Check all that apply	approved JD is an ap y:	pealable	action (Refe	rence 33 CFR part 3	331).	
٠		igable waters of the U Approximate size of				329 and associated guidar	nce) within
		ers of the United State proximate size of juri				ssociated guidance) within	n the
	There are "isolo	ated, non-navigable, Decision supported I Jurisdiction.				reviewed area. nation Sheet for Determina	ation of No
A.	Waters defined un The presence of wa	NAL DETERMINATED NAL DETERMINATED NAME AND ADDRESS TO SUBJECT TO THE PROPERTY OF THE PROPERTY	9 as "na the ebb	and flow of	the tide and/or are p	resently used, or have bee	n used in
В. П	(1) The presence of	nder 33 CFR part 32 f waters, which are cun commerce, including	irrently u	sed, or were	used in the past, or	may be susceptible to use:	in
	(2) The presence of (3) The presence of sandflats, wetlands destruction of whice	f interstate waters incl f other waters such as , sloughs, prairie poth th could affect intersta	luding in intrastate noles, we ate comm	terstate wetla e lakes, river t meadows, p nerce includi	ands ¹ . s, streams (including laya lakes, or natura ng any such waters (g intermittent streams), mu al ponds, the use, degradat (check all that apply):	
	(ii) from which are (4) Impoundments (5) The presence of (6) The presence of	or could be used by in h fish or shellfish are or could be used for softwaters otherwise d f a tributary to a water f territorial seas.	or could industrial lefined as r identific	be taken and purposes by waters of the ed in (1) – (4	sold in interstate or industries in interst e US.) above.	foreign commerce.	r wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

D-16349

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Tim Morton & Associates, Inc.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: UMBER:	Galveston D-16378			
Stat Cou Cen App Nan	inty: Camero ter coordinates of s	na on Parish site (latitude/longitude): rea (parcel) reviewed, inc	eluding uplands:	N/A acres.	
	ICTIONAL DETI	and the second second	•		
Cor	npleted: Desktop Site visi		Date: Date(s):	8/31/04	
Juri	isdictional Determ	ination (JD):			
	Preliminary JD - E United States" and (Reference 33 CFI	d/or "navigable waters of	nation, there the United State	e appear to be (or) there appear to be no "waters of the tes" on the project site. A preliminary JD is not appealable	; e
×	Approved JD – Ar Check all that app		alable action (Re	deference 33 CFR part 331).	
	There are "nav the reviewed area.	rigable waters of the Unit Approximate size of jur	ted States" (as derisdictional area:	lefined by 33 CFR part 329 and associated guidance) with :1.40-acres	in
	There are "wat reviewed area. Ap	ters of the United States" oproximate size of jurisdi	(as defined by ctional area:	33 CFR part 328 and associated guidance) within the	
	There are "iso	lated, non-navigable, into Decision supported by Jurisdiction.	ra-state waters o SWANCC/Migr	or wetlands" within the reviewed area. ratory Bird Rule Information Sheet for Determination of N	٧o
A.	Waters defined up The presence of wa	NAL DETERMINATION of the state of the state of the subject to the susceptible for use to trace.	as "navigable wa ne ebb and flow o	vaters of the United States": of the tide and/or are presently used, or have been used in the or foreign commerce.	Í
B. ⊠ □ □ □	(1) The presence o interstate or foreig.(2) The presence o(3) The presence o	n commerce, including a of interstate waters included of other waters such as interesting the state of the commerce.	ently used, or we ll waters which a ing interstate we trastate lakes, riv	ere used in the past, or may be susceptible to use in are subject to the ebb and flow of the tide. etlands ¹ . vers, streams (including intermittent streams), mudflats.	
M	destruction of which are of the control of the cont	ch could affect interstate or could be used by inters th fish or shellfish are or	commerce inclustate or foreign to could be taken a ustrial purposes	s, playa lakes, or natural ponds, the use, degradation or uding any such waters (check all that apply): travelers for recreational or other purposes. and sold in interstate or foreign commerce. by industries in interstate commerce. If the US.	
	(5) The presence o(6) The presence o	of a tributary to a water id of territorial seas.	entified in (1) –		s.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site contains brackish wetlands subject to the ebb and flow of the daily tides. They are hydrologically connected to and adjacent to the Sabine River.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Tim Morton & Associates, Inc.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Dealogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quad

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: UMBER:	Galveston D-16390						
Stat Cou Cen App Nar	inty: Montgon iter coordinates of si	nery te (latitude/longitude): a (parcel) reviewed, inc	luding upla		30"N, 95° 16' 44"W 145 acres.			
-	ICTIONAL DETE npleted: Desktop Site visit	determination	Date		9/2/04			
Jur	isdictional Determi	nation (JD):						
		or "navigable waters of			pear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable			
×	Approved JD – An Check all that apply		alable actio	on (Refer	rence 33 CFR part 331).			
	zarano.	igable waters of the Unit Approximate size of jun			ned by 33 CFR part 329 and associated guidance) within			
		ers of the United States" proximate size of jurisdi			CFR part 328 and associated guidance) within the			
	☑ There are "isolo ☑				vetlands" within the reviewed area. ory Bird Rule Information Sheet for Determination of No			
	Waters defined un The presence of wa		as "navigab he ebb and f	flow of t	ers of the United States": the tide and/or are presently used, or have been used in r foreign commerce.			
B.	 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. 							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are in an area located outside the 100-yr floodplain according to the FEMA Floodplain map and has no hydrological connection to a water of the United States.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba:	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA H	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16392

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TEXAS State: **JEFFERSON** County:

Center coordinates of site (latitude/longitude): 30.0570° N & 94.0534°W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: NECHES RIVER

Name of watershed:

JURISDICTIONAL	DETERN	IINA	TION

Completed:	Desktop determination	\bowtie	Date: 31 AUGUST 2004
	Site visit(s)	⊠	Date(s):

Invictional	Determination	(\mathbf{ID})
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	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
3.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: As per regulations and guidance the wetlands were in compliance with identification of 1987 Corps Wetland Delineation Manaul and federal and distirct guidance for identifying adjacent wetlands.

FILE NUMBER: D-16392

<u>L</u>	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: JOHN CHANCE & MORRIS HEBERT (30 AUGUST 2004)
Ba See	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
⋈	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 CIR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16396

PRO	JECT	LOCA	TION	INFORM	IATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

UTM 287397E 3309539

Approximate size of area (parcel) reviewed, including uplands: Unknown acres. Name of nearest waterway: Carpenters Bayou

Name of watershed: Greens Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 31 August 2004

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

\boxtimes	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the or the content of the conte
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

100	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331)
	Check all that apply:

σğ	There are	"navigat	ole waters of	f the Unite	ed States"	(as define	d by 33	CFR	part 329	and as	sociated	guidance)	within
the	reviewed	area. Ap	proximate s	ize of juri	sdictional	area:							

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

83	There are	"isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
	機	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

4.	Waters defined	under 33 (CFR part 329	as "navigable w	aters of the Un	ited States":
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The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

3	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland signatures appear to have a direct hydrological surface connection.

FILE NUMBER: D-16396

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Harmaston U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Delogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic conductor of the plant of the p

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRIC FILE NU	CT OFFICE: MBER:	Galveston D-16413				
State Cour Cent App Nam	nty: Harris er coordinates of sit	te (latitude/longitude): a (parcel) reviewed, incl			3"N, 95° 29' 19"W 4.25 acres.	
	ICTIONAL DETE ppleted: Desktop Site visit	determination 🔼		ate:	9/2/04	
Juri	sdictional Determi	nation (JD):				
	Preliminary JD - B United States" and (Reference 33 CFR	or "navigable waters of	iation, [] the Unite	there appo d States" o	ear to be (or)	no "waters of the) is not appealable
×	Approved JD – An Check all that appl	approved JD is an appe y:	alable acti	ion (Refere	ence 33 CFR part 331).	
	There are "nave the reviewed area.	igable waters of the Unit Approximate size of jur	ed States' isdictiona	" (as define al area:	ed by 33 CFR part 329 and associate 1.40-acres	ed guidance) within
	There are "watereviewed area. Ap	ers of the United States" proximate size of jurisdi	(as defin	ned by 33 (rea:	CFR part 328 and associated guidan	ce) within the
	☑ There are "isol ☑	lated, non-navigable, int Decision supported by Jurisdiction.	ra-state w SWANC	vaters or wo	etlands" within the reviewed area. ry Bird Rule Information Sheet for I	Determination of No
BASIS (Waters defined up. The presence of wa	NAL DETERMINATION of the subject to the susceptible for use the susceptible fo	a s "navig he ebb and	d flow of tl	rs of the United States": the tide and/or are presently used, or foreign commerce.	have been used in
B.	(1) The presence of interstate or foreig (2) The presence of (3) The presence of sandflats, wetlands destruction of which is the control of t	n commerce, including a of interstate waters included of other waters such as in s, sloughs, prairie pothol ch could affect interstate or could be used by inter	ently used all waters ding inters atrastate la es, wet me commercestate or for	l, or were u which are state wetlar akes, rivers leadows, pl ce includin oreign trave	used in the past, or may be susceptibe subject to the ebb and flow of the tiends ¹ . If the streams (including intermittent streams laya lakes, or natural ponds, the use, g any such waters (check all that apelers for recreational or other purpo	de. eams), mudflats, , degradation or ply): ses.
	(4) Impoundments (5) The presence of	e or could be used for inc of waters otherwise def of a tributary to a water in of territorial seas.	dustrial pui ined as wa dentified i	urposes by aters of the in (1) – (4)	sold in interstate or foreign commer industries in interstate commerce. e US. above. US, except for those wetlands adjace	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: I terral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:					
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.					
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:					
Ba	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).					
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic qua					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston

FILE NUMBER: I-4884

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Orange

Center coordinates of site (latitude/longitude):

30° 07' 16"N, 94° 01' 32"W

Approximate size of area (parcel) reviewed, including uplands: N/A acres.

Name of nearest waterway: Tiger Creek Name of watershed: Neches River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 8/25/04

Date(s): 5/5/04

Jurisdictional Determination (JD):

Ш	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the appear
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A .	Waters defined	under 33 CFR nar	t 329 as "navigable	waters of the	United States?
/A.	Waters defined	unuer 22 Cer Dat	LJZY AS HAVIVANIE	waters at the	i initad Statac''•

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: I-4884

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1985 Color IR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 5/5/04 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

CE: Galveston I-4934
TEXAS Jefferson nates of site (latitude/longitude): 30° 05′ 33″N, 94° 05′ 53″W size of area (parcel) reviewed, including uplands:N/A acres. est waterway: Brakes Bayou ershed: Neches River
AL DETERMINATION Desktop determination Site visit(s) Date: Date(s): 9-19-04
al Determination (JD):
ary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the states" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable are 33 CFR part 331).
ed JD – An approved JD is an appealable action (Reference 33 CFR part 331). Il that apply:
e are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within a swed area. Approximate size of jurisdictional area:0.04-acre
e are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the darea. Approximate size of jurisdictional area:
e are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
SDICTIONAL DETERMINATION: defined under 33 CFR part 329 as "navigable waters of the United States": ence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in or may be susceptible for use to transport interstate or foreign commerce.
defined under 33 CFR part 328.3(a) as "waters of the United States": presence of waters, which are currently used, or were used in the past, or may be susceptible to use in e or foreign commerce, including all waters which are subject to the ebb and flow of the tide. presence of interstate waters including interstate wetlands ¹ . presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, s, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or ion of which could affect interstate commerce including any such waters (check all that apply): which are or could be used by interstate or foreign travelers for recreational or other purposes. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. which are or could be used for industrial purposes by industries in interstate commerce. undments of waters otherwise defined as waters of the US. presence of a tributary to a water identified in (1) – (4) above. presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Brakes Bayou is a tidal, navigable water adjacent to the Neches River.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Tim Morton & Associates, Inc.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Day Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Site photos/8/19/04 Site visit/determination conducted on: 8/19/04 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23525

Stat Cou Cen App Nar	e: inty: iter coordi proximate	ATION INFORMATION: TX Offshore inates of site (latitude/longitude/size of area (parcel) reviewed, rest waterway: Gulf of Mexico ershed: N/A	e): including	28-44-48.432/95-11-10.954 aplands: 2 acres.
		AL DETERMINATION Desktop determination Site visit(s)		Date: 20 August 2004 Date(s):
Jur		al Determination (JD):		
	United S	ary JD - Based on available in States" and/or "navigable water ace 33 CFR part 331).	formation, s of the U	, \(\text{there appear to be (or) } \) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
\boxtimes		ed JD – An approved JD is an a	appealable	action (Reference 33 CFR part 331).
	There	e are "navigable waters of the wed area. Approximate size of	United Sta of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There	e are "waters of the United Sta d area. Approximate size of ju	ntes" (as d	lefined by 33 CFR part 328 and associated guidance) within the all area:
	There	e are "isolated, non-navigable Decision supported Jurisdiction.	, intra-sta I by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (A.	Waters The pres	ence of waters that are subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
B.	(1) The pinterstate (2) The pinterstate (3) The pinterstate (3) The pinterstate (3) The pinterstate (4) The pinterstate (5) The pinterstate (6) The pinterstate (5) The pinterstate (6) The pinterstate (7) Th	presence of waters, which are of or foreign commerce, including presence of interstate waters in presence of other waters such as, wetlands, sloughs, prairie point of which could affect interwhich are or could be used by from which fish or shellfish are of waters otherwise presence of a tributary to a waters of our presence of territorial seas.	currently using all wat acluding in as intrastated tholes, we state comminterstate or could reindustriate defined a ter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce. Is waters of the US.
wai	ter or wetl	land is not itself a navigable w	ater of the	ation (applies to any boxes checked above). If the jurisdictional United States, describe connection(s) to the downstream navigable ction, document navigability and/or interstate commerce connection

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 235 25

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston

FILEN	UMBER: 23537
Stat Cou Cen App Nan	CT LOCATION INFORMATION: te: Texas inty: Harris ter coordinates of site (latitude/longitude): 29 43.24/ 95 0.28 broximate size of area (parcel) reviewed, including uplands:920 square feet. the of nearest waterway: Black Duck Bay the of watershed: North Galveston Bay
	ICTIONAL DETERMINATION npleted: Desktop determination
Jur	isdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:920 square feet
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS C	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
耳	(5) The presence of a tributary to a water identified in (1) – (4) above.
	 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The project is for a boathouse in Black Duck Bay.

23537

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: ☐ High Tide Line indicated by: ☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects ☐ the presence of litter and debris ☐ fine shell or debris deposits (foreshore) ☐ changes in the character of soil ☐ physical markings/characteristics ☐ destruction of terrestrial vegetation ☐ tidal gages ☐ shelving ☐ other: Topographic map
	Mean High Water Mark indicated by: Survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23540

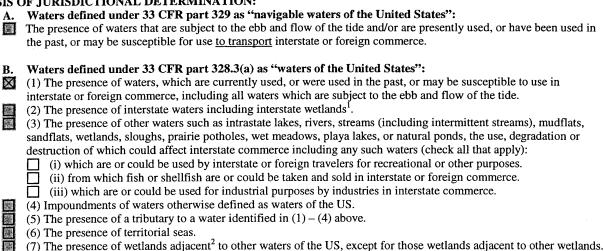
State:	Texas		
County:	Brazoria		
Center coordin	ates of site (latitude/lor	ngitude): UTM 15 271224E 322223	6N (NAD27) Oyster Creek quadrangle
Approximate s	ize of area (parcel) revi	ewed, including uplands: acres.	
Name of neare	st waterway: Bastrop B	ayou	
Name of water	shed: Bastrop Bayo	ou	

IURISDICTIONAL	DETERMINATION
TURISIDIC LICINAL	DETERMINATION

PROJECT LOCATION INFORMATION:

		AL DETERMINATION Desktop determination Site visit(s)	X I	Date: 31 August 2004 Date(s):			
Jur	isdictional	Determination (JD):					
×	United St			there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
		i JD An approved JD is an a that apply:	ppealable	action (Reference 33 CFR part 331).			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	T here			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No			
. .		OLCHVONIA I DEMEDRATINI	TION.				

BASIS OF JURISDICTIONAL DETERMINATION:



Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary of Bastrop Bay.

FILE NUMBER: 23540

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^{2}}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG FILE NUMBER: SWG-04-07-041

PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29/54/35N; 95/39/14W

Approximate size of area (parcel) reviewed, including uplands: 0.004 acres.

Name of nearest waterway: Horsepen Creek Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 31 August 2004

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \text{ (or) } \square there appear to be no "waters of the
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.004-acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

Α.	Waters defined	under 33	CFR part 32	9 as "na	vigable v	vaters o	f the `	United States	":
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The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands ¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hosepen Creek drains into Buffalo Bayou which drains into the Houston Ship Channel.

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): Phase One Technologies This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG FILE NUMBER: SWG-04-07-042

NUMBER: S	SWG-04-	07-042				
ate: ounty: enter coordin oproximate s ame of neare:	Texas Harris lates of si ize of are st waterw	te (latitude/lo ea (parcel) rev vay: Horseper	ngitude): iewed, includi n Creek	29/54/26 N; 95/40/00 W ing uplands: 0.003 acres.		
mpleted:	Desktop	determination		Date: 31 August 2004 Date(s):		
risdictional	Determi	nation (JD):				
United Sta	ates" and	or "navigable"	able information waters of the	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable		
			is an appealab	ele action (Reference 33 CFR part 331).		
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acres.						
There are reviewed a	<i>are</i> "wate area. App	ers of the Unit proximate size	ed States" (as e of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area: 0.003-acre.		
	are "isolo I	nted, non-navi Decision sup Jurisdiction.	gable, intra-si ported by SW	tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No		
Waters de The presen	fined un ce of wat	der 33 CFR jers that are su	part 329 as "n bject to the eb	bb and flow of the tide and/or are presently used, or have been used in		
Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.						
	CCT LOCA ate: county: conter coording proximate some of neare ame of water DICTIONA completed: risdictional Preliminan United Sta (Reference Approved Check all There of the reviewed at There of reviewed at There of The present the past, on Waters de (1) The present the past, or Waters de (1) The past, or Waters de (2) The past, or Waters de (3) The past, or Waters de (4) The past, or Waters de (5) The past, or Waters de (6) The past, or Waters de (7) The past, or Waters de (8) The past, or Waters	Approved JD – An Check all that apply the reviewed area. There are "navit the reviewed area. Approved area. There are "sold area" water water be reviewed area. Approved ID – ID	ate: Texas punty: Harris conter coordinates of site (latitude/looproximate size of area (parcel) rev pure of nearest waterway: Horsepenture of watershed: San Jacinto Intercoordinates of site (latitude/looproximate size of area (parcel) rev pure of nearest waterway: Horsepenture of watershed: San Jacinto Intercoordination (JD): DICTIONAL DETERMINATION (JD): Preliminary JD - Based on availate United States" and/or "navigable (Reference 33 CFR part 331). Approved JD - An approved JD (Check all that apply: There are "navigable waters of the reviewed area. Approximate intercoire area. Approximate intercoire area. Approximate sizes are included, non-naving Decision supply Jurisdiction. DE JURISDICTIONAL DETERI Waters defined under 33 CFR (1) The presence of waters that are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of interstate waters are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters are supply the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters are supply the past, or may be susceptible for waters are supply the past of the past	Approved JD — An approved JD is an appealable Check all that apply: There are "navigable waters of jurisdiction. There are "waters of the United States" (as reviewed area. Approximate size of jurisdiction. There are "isolated, non-navigable, intra-s. Decision supported by SW. Jurisdiction. Designed under 33 CFR part 329 as "The presence of waters that are subject to the etthe past, or may be susceptible for use to transp. Waters defined under 33 CFR part 328.3(a) (1) The presence of other waters with sufficience of with could affect interstate of with could affect interstate com [(i) which are or could be used by interstate com [(ii) from which fish or shellfish are or could be used by interstate of could if from which fish or shellfish are or could be used by interstate [(ii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could be used by interstate [(iii) from which fish or shellfish are or could [(iii) from which fish or shellfish are or could [(iii) from which fish or shellfish are or could [(iii) from which fish or shellfish are or could [(iiii) from which fish or shellfish are or could [(iiii) from which fish or shellfish are or could [(iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hosepen Creek drains into Buffalo Bayou which drains into the Houston Ship Channel.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

2 FILE NUMBER: SWG-04-07-042 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects
fine shell or debris deposits (foreshore) clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): Phase One Technologies ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** SWG-04-07-043

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State: T County: H

Texas

County: Harris
Center coordinates of site (latitude/longitude):

29/54/37N; 95/39/31W

Approximate size of area (parcel) reviewed, including uplands: 0.004 acres.

Name of nearest waterway: Horsepen Creek Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

M

Date: 31 August 2004

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.004-acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Α.	Waters defined	l under 33 CFR p	art 329 as "navigable	e waters of the	United States"

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- $\overline{(4)}$ Impoundments of waters otherwise defined as waters of the US.
- \boxtimes (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hosepen Creek drains into Buffalo Bayou which drains into the Houston Ship Channel.

FILE NUMBER: SWG-04-07-043 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: shelving other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): Phase One Technologies This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG FILE NUMBER: SWG-04-07-044

DD.	OTECT I	OCATION	INFORM	ATION
PK.		4 M . A I I G // N	INCURIO.	A I I () ()

State:

Texas

Harris County:

Center coordinates of site (latitude/longitude):

29/54/28 N; 95/40/04 W

Approximate size of area (parcel) reviewed, including uplands: 0.001 acres.

Name of nearest waterway: Horsepen Creek Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 31 August 2004

Date(s):

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.001-acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

•	OI UCINEDICITIES		
	Waters defined under	33 CFR part 329 as "navigable	e waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

		l, or were used in the past, or ma	
 interstate or foreign commercial	ce, including all waters	which are subject to the ebb and	I flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hosepen Creek drains into Buffalo Bayou which drains into the Houston Ship Channel.

2 FILE NUMBER: SWG-04-07-044 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): Phase One Technologies This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** SWG-04-14-037

PROJECT LOCATION INFORMATION: State: Texas County: Harris Center coordinates of site (latitude/longitude): 29/54/28 N; 95/40/04 W Approximate size of area (parcel) reviewed, including uplands: 0.001 acres. Name of nearest waterway: Horsepen Creek Name of watershed: San Jacinto River JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 31 August 2004 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the or the content of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.001-acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hosepen Creek drains into Buffalo Bayou which drains into the Houston Ship Channel.

sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

2 **FILE NUMBER: SWG-04-07-037** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): Phase One Technologies This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER: I-4977** PROJECT LOCATION INFORMATION: State: TX County: Cameron Center coordinates of site (latitude/longitude): 26°04'38"N/97°12'16"W Approximate size of area (parcel) reviewed, including uplands: 0.12 acres. Name of nearest waterway: Laguna Madre Name of watershed: Laguna Madre JURISDICTIONAL DETERMINATION Date: 25 August 2004 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: Mattheware "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: __<0.06 acres Matter There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: __<0.06 acres_. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

wetlands.

FILE NUMBER: I-4977 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: shoreline shown on 1995 aerial shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created П by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. __, prepared by (company): This office concurs with the delineation report, dated _ This office does not concur with the delineation report, dated _____ ___, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): DOQQ 2002 &1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 24 August 2004

Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16439

PRO	JEC	T LOCATION INFORMATION:
	State	
1	Cour	nty: Aransas er coordinates of site (latitude/longitude): UTM NAD83 685979.58E; 3101926.76N
	Cent	er coordinates of site (latitude/longitude): UTM NAD83 685979.58E; 3101926.76N
	Appı	roximate size of area (parcel) reviewed, including uplands: 6.88 acres.
		e of nearest waterway: Copano Bay
	Nam	e of watershed: San Antonio/Nueces Coastal Basin
JUR	ISDI	CTIONAL DETERMINATION Date: 9/2/04
	Com	ipieted. Desktop determination
		Site visit(s) Date(s):
	Juri	sdictional Determination (JD):
	П	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the preliminary JD is not appearable."}
	ш	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 331).
		(Reference 33 of A part 333)
	Ø	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
		Check all that apply:
		** *
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the
		reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
		Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.
RAS	SIS (OF JURISDICTIONAL DETERMINATION:
DAL		Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	Ö	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	13	the past, or may be susceptible for use to transport interstate or foreign commerce.
		·
	В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	ñ	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	32	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the fide.
	П	(2) The presence of interstate waters including interstate wetlands'.
	Ħ	(2) The precence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), muditats,
		conditions, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
		destruction of which could affect interstate commerce including any such waters (check all that apply):
		(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
		(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	П	(4) Impoundments of waters otherwise defined as waters of the US.
	ᅜ	(5) The presence of a tributary to a water identified in (1) – (4) above.
	Ħ	(6) The presence of territorial seas
	岗	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.
	*******	N// I

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16439

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: PBS&J
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated June 2004, prepared by (company): PBS&J This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated June 2004, prepared by (company): PBS&J This office does not concur with the delineation report, dated June 2004, prepared by (company): prepared by (c

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^2}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRIC' FILE NU		CESWG 15008(07)	
State: Coun Cente Appro Name	ty: Nueces or coordinates of site oximate size of area of nearest waterwa		asin
JURISDIC Comp	CTIONAL DETER pleted: Desktop d Site visit(s	letermination 🔼	Date: 9/1/04 Date(s):
	dictional Determin		
	Preliminary JD - Ba United States" and/o (Reference 33 CFR)	or "navigable waters of the	ion, \square there appear to be (or) \square there appear to be no "waters of the e United States" on the project site. A preliminary JD is not appealable
	Approved JD – An a Check all that apply		able action (Reference 33 CFR part 331).
	There are "navig the reviewed area.	gable waters of the United Approximate size of jurisd	States" (as defined by 33 CFR part 329 and associated guidance) within dictional area: _0.3
•	There are "water reviewed area. App	rs of the United States" (a proximate size of jurisdiction	as defined by 33 CFR part 328 and associated guidance) within the ional area:
		nted, non-navigable, intra- Decision supported by SV Jurisdiction.	s-state waters or wetlands" within the reviewed area. WANCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters defined un The presence of wat	ters that are subject to the	N: "navigable waters of the United States": e bb and flow of the tide and/or are presently used, or have been used in esport interstate or foreign commerce.
B.	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of whic i) which are o iii) from which iii) which are	f waters, which are current in commerce, including all of interstate waters including fother waters such as intract, sloughs, prairie potholes, the could affect interstate coor could be used by interstate in fish or shellfish are or coor could be used for industrial interstates.	astate lakes, rivers, streams (including intermittent streams), muditals, s, wet meadows, playa lakes, or natural ponds, the use, degradation or commerce including any such waters (check all that apply): tate or foreign travelers for recreational or other purposes. ould be taken and sold in interstate or foreign commerce.
	(4) Impoundments(5) The presence of	of waters otherwise define f a tributary to a water ider f territorial seas	ed as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 15008(07)

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:								
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):								
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): 2/5/04 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):								

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

CTDICT OFFICE, CESWG

	MBER: 23501				
State Cour Cent App Nam		N26 4' 8.117" W97 9' 47.8831" g uplands: 0.02 acres.			
JURISD Con	ICTIONAL DETERMINATION npleted: Desktop determination Site visit(s)	Date: 8/30/04 Date(s):			
Juri ■ ⊠	Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
A.	Jurisdiction. OF JURISDICTIONAL DETERMINATION: Western defined under 33 CFP part 329 as "	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in port interstate or foreign commerce.			

D .	the second in the next or may be suscentible to use in
П	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
30000	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
*******	(2) The presence of interstate waters including interstate wetlands'.
В	(2) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudilats,
ш	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	destruction of which could affect interstate commerce in the state of the purposes
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
Ш	(4) Impoundments of waters other wise defined as Alexander of the control of the
	(5) The presence of a tributary to a water identified in (1) – (4) above.
П	(6) The presence of territorial seas.
Ħ	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.
	(1) The presence of western with

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23501

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: aerial photography
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basi	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO/2003 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

CONTROL OFFICE, CECUIC

		ER: SWG04-1			
(((State: County: Center co Approxin Name of	Texas Cameron oordinates of si nate size of are	te (latitude/longitu	d, including	26-02-23N/19-15-37W g uplands: 0.112 acres.
JURI	(SDICT) Complet	ONAL DETE ed: Desktop Site visit		<u>■</u>	Date: Date(s): 12 June 03
	Jurisdict	tional Determi	ination (JD):		
]	Prel Uni	iminary ID - B	ased on available /or "navigable wat	information ers of the U	there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					e action (Reference 33 CFR part 331).
	the	There are "nav reviewed area.	igable waters of th Approximate size	e United St	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	⊠ ′revi	There are "wat ewed area. Ap	ers of the United Sproximate size of	States" (as of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the al area: 0.112.
		There are "iso	lated, non-navigab Decision support Jurisdiction.	ole, intra-sta ted by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
	A. Wa	ters defined u	aters that are subje	t 329 as "na ect to the ebb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	(1) inte (2) (3) san des	The presence of cristate or foreign The presence of dflats, wetland truction of which are (ii) from which are the presence of	of waters, which are no commerce, included interstate waters of other waters such s, sloughs, prairie ch could affect into or could be used be the fish or shellfish	e currently uding all wa including it has intrasta potholes, we erstate comy interstate are or could	used, or were used in the past, or may be susceptible to use in the subject to the ebb and flow of the tide. Interstate wetlands. Interlates, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. In the taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: SWG04-14-04

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of Jurisdiction: (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Acrial Photographs (Name & Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 12 June 2003 Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.